

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHRISTIAN CASEY LLC, a New York
Limited Liability Company d/b/a SEAN
JOHN; and STUDIO IP HOLDINGS LLC,
A Delaware Limited Liability Company
d/b/a ROCAWEAR,

Index No.: 08 CV 00870 (GBD)

Plaintiffs,

-against-

ANSWER

A & E STORES, INC., a New Jersey
Corporation; FORMAN MILLS, INC.,
A Pennsylvania Corporation; FAT
ALBERT'S WAREHOUSE, INC., a
New York Corporation; ALBERT SROUR,
An individual; and DOES 1-10, inclusive,

Defendants.

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Defendant A&E Stores, Inc. ("A&E"), by its attorneys, Silverberg Stonehill
Goldsmith & Haber, P.C., as and for its Answer to plaintiffs' Complaint states as follows:

1. In response to paragraph "1" of plaintiffs' Complaint, admits that plaintiffs purport to bring their claims under certain Federal and State laws but denies that such claims have any merit.
2. Denies knowledge or information as to the allegations set forth in paragraph "2" of plaintiffs' Complaint, except admits that this court has jurisdiction over A&E.
3. Denies the allegations set forth in paragraph "3" of plaintiffs' Complaint.
4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "4" of plaintiffs' Complaint.

5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "5" of plaintiffs' Complaint.

6. Denies the allegations set forth in paragraph "6" of plaintiffs' Complaint, except admits that A&E's principal place of business is in Teterboro, New Jersey.

7. In response to paragraph "7" of plaintiffs' Complaint admits that A&E and/or its affiliates operate stores in the listed states.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "8" of plaintiffs' Complaint.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "9" of plaintiffs' Complaint.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "10" of plaintiffs' Complaint.

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "11" of plaintiffs' Complaint.

12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "12" of plaintiffs' Complaint.

13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "13" of plaintiffs' Complaint.

14. Denies the allegations set forth in paragraph "14" of the Complaint.

15. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "15" of plaintiffs' Complaint.

16. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 16" of plaintiffs' Complaint.

17. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "17" of plaintiffs' Complaint.

18. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "18" of plaintiffs' Complaint.

19. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "19" of plaintiffs' Complaint.

20. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "20" of plaintiffs' Complaint.

21. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "21" of plaintiffs' Complaint.

22. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "22" of plaintiffs' Complaint.

23. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "23" of plaintiffs' Complaint.

24. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "24" of plaintiffs' Complaint.

25. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "25" of plaintiffs' Complaint.

26. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "26" of plaintiffs' Complaint.

27. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "27" of plaintiffs' Complaint.

28. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "28" of plaintiffs' Complaint.

29. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "29" of plaintiffs' Complaint.

30. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "30" of plaintiffs' Complaint.

31. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "31" of plaintiffs' Complaint.

32. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "32" of plaintiffs' Complaint.

33. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "33" of plaintiffs' Complaint.

34. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "34" of plaintiffs' Complaint.

35. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "35" of plaintiffs' Complaint.

36. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "36" of plaintiffs' Complaint.

37. Denies the allegations set forth in paragraph "37" of the Complaint.

38. Denies the allegations set forth in paragraph "38" of the Complaint.

39. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "39" of plaintiffs' Complaint.

40. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "40" of plaintiffs' Complaint.

41. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41" of plaintiffs' Complaint.

42. Denies the allegations set forth in paragraph "42" of the Complaint.

43. Denies the allegations set forth in paragraph "43" of the Complaint.

44. In response to paragraph "44" of plaintiffs' Complaint, repeats and realleges each and every response heretofore made as if more fully set forth herein.

45. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "45" of plaintiffs' Complaint.

46. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "46" of plaintiffs' Complaint.

47. Denies the allegations set forth in paragraph "47" of the Complaint.

48. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48" of plaintiffs' Complaint.

49. Denies the allegations set forth in paragraph "49" of the Complaint.

50. Denies the allegations set forth in paragraph "50" of the Complaint.

51. Denies the allegations set forth in paragraph "51" of the Complaint.

52. Denies the allegations set forth in paragraph "52" of the Complaint.

53. In response to paragraph "53" of plaintiffs' Complaint, repeats and realleges each and every response heretofore made as if more fully set forth herein.

54. Denies the allegations set forth in paragraph "54" of the Complaint.

55. Denies the allegations set forth in paragraph "55" of the Complaint.

56. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "56" of plaintiffs' Complaint.

57. Denies the allegations set forth in paragraph "57" of the Complaint.

58. Denies the allegations set forth in paragraph "58" of the Complaint.

59. Denies the allegations set forth in paragraph "59" of the Complaint.

60. Denies the allegations set forth in paragraph "60" of the Complaint.

61. Denies the allegations set forth in paragraph "61" of the Complaint.

62. Denies the allegations set forth in paragraph "62" of the Complaint.

63. In response to paragraph "63" of plaintiffs' Complaint, repeats and realleges each and every response heretofore made as if more fully set forth herein.

64. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "64" of plaintiffs' Complaint.

65. Denies the allegations set forth in paragraph "65" of the Complaint.

66. Denies the allegations set forth in paragraph "66" of the Complaint.

67. Denies the allegations set forth in paragraph "67" of the Complaint.

68. Denies the allegations set forth in paragraph "68" of the Complaint.

69. Denies the allegations set forth in paragraph "69" of the Complaint.

70. Denies the allegations set forth in paragraph "70" of the Complaint.

71. Denies the allegations set forth in paragraph "71" of the Complaint.

72. Denies the allegations set forth in paragraph "72" of the Complaint.

73. In response to paragraph "73" of plaintiffs' Complaint, repeats and realleges each and every response heretofore made as if more fully set forth herein.

74. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "74" of plaintiffs' Complaint.

75. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "75" of plaintiffs' Complaint.

76. Denies the allegations set forth in paragraph "76" of the Complaint.

77. Denies the allegations set forth in paragraph "77" of the Complaint.

78. Denies the allegations set forth in paragraph "78" of the Complaint.

79. Denies the allegations set forth in paragraph "79" of the Complaint.

80. Denies the allegations set forth in paragraph "80" of the Complaint.

81. Denies the allegations set forth in paragraph "81" of the Complaint.

FIRST AFFIRMATIVE DEFENSE

82. Plaintiffs' Complaint fails to state causes of action upon which relief may be had.

SECOND AFFIRMATIVE DEFENSE

83. A&E has at all times acted in the utmost good faith and without knowledge of any rights plaintiffs may have in the claimed trademarks.

THIRD AFFIRMATIVE DEFENSE

84. Plaintiffs' claims are barred, in whole or in part. Each plaintiff failed to protect its trademark.

FOURTH AFFIRMATIVE DEFENSE

85. Plaintiffs' claims are barred by the applicable Statute of Limitations.

FIFTH AFFIRMATIVE DEFENSE

86. Plaintiffs claims are barred by the doctrine of laches.

SIXTH AFFIRMATIVE DEFENSE

87. Plaintiffs have abandoned any and all rights through failure to exercise quality control over the license, manufacture, distribution and sale of items bearing the trademarks.


WHEREFORE, A&E demands judgment dismissing the Complaint together with costs and disbursements, including reasonable attorney's fees, and such other and further relief as the Court finds just and proper.

Dated: New York, New York
March 6, 2008

Respectfully submitted,

**SILVERBERG STONEHILL
GOLDSMITH & HABER, P.C.**
Attorneys for Defendant
A & E STORES, INC.

By: _____


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